

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
March 11, 2015**

Vice Chairman Josh Gunselman called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Absent	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Present		

Mayor Terry Seitz appointed Paul Lorey to serve on the board for tonight's meeting.

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the February 4, 2015 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Ireland Utilities, Andrew L. Hulsman, President (as petitioner) and Dave Bromm (as owner) for a special exception to allow a public utility structure in an R-1 (Residential) zone

Withdrawn.

Petition of Tom's Lawn & Garden Center, Thomas and Sandra Mundy (as owners) for a variance to build within zero (0) feet of the rear yard for construction of an addition to an existing warehouse

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Tom and Sandra Mundy to request a variance to construct an addition to their warehouse located across from their business, Tom's Lawn & Garden Center, at 719 W. 6th Street. Mr. Mundy was also present.

The request is to build the warehouse addition up to the rear property line. Mr. Mundy plans to add on to the north and west sides of the building. The public hearing was tabled at last month's meeting to determine if the alley north of the property was owned by the City or a private land owner. The County mapping system (GIS) actually showed the property being privately owned. Mr. Buehler said after some research, it was determined that there is a 17-foot alley and since then the Dubois County Auditor has corrected the GIS system.

There were no remonstrators present. Following some discussion, Paul Lorey made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to build within zero (0) feet of the rear yard. Bob Cook seconded it. Motion carried 5-0.

NEW BUSINESS

Petition of Ron Snyder, representing Snyder Rentals, LLC for a special exception to allow a multi-family dwelling in a B-2 zone

Ron Snyder, representing Snyder Rentals, LLC, was present to request a special exception to allow two additional rental units in his building located at 207 E. 5th Street and 211 E. 5th Street. Mr. Snyder informed the board that when he purchased the building, there were already two units rented upstairs. The proposed units are new, updated living spaces at affordable prices.

There were no remonstrators present. Following some discussion, Paul Lorey made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Paul Lorey made a motion to grant a special exception to allow rental units at 207 E. 5th Street Suite A and 211 E. 5th Street. Bob Cook seconded it. Motion carried 5-0.

Petition of Ron Snyder, representing Snyder Rentals, LLC for a variance from Section 16.02.120 (Lot & Yard Requirements) (Table B) to allow an apartment with less than 500 square feet of living area in a B-2 zone

Ron Snyder, representing Snyder Rentals, LLC, was present to request a variance to allow a rental unit measuring 350 square feet located at 211 E. 5th Street. The City's zoning ordinance states a minimum of 500 square feet. Mr. Snyder informed the board that the proposed unit is a new, updated living space at an affordable price.

There were no remonstrators present. Following some discussion, Paul Lorey made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Paul Lorey made a motion to grant a variance to allow a rental unit at 211 E. 5th Street Suite A, measuring less than 500 square feet. Secretary Buck seconded it. Motion carried 5-0.

Petition of Kerstiens Homes & Designs, Inc. for a variance from Section 16.02.140 (Height Regulations) on a proposed accessory building

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Kerstiens Homes & Designs, Inc., to request a variance to construct an accessory building with a height of 18 feet on a vacant lot located on the east side of Keusch Lane, south of Pebble Drive (Lot 7 Brookstone Estates IV). A site plan was displayed showing that the height request will aesthetically match the roof of the home when built.

Mr. Buehler explained that there is a potential owner for Lot 7 Brookstone Estates IV; however, the purchase of the property is contingent upon approval of the variance. If approved, a building permit for the residence and accessory building would be submitted simultaneously.

There were no remonstrators present. Following some discussion, Paul Lorey made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to construct an accessory building with a height not to exceed 18 feet; contingent upon approval of a building permit for the primary residence. Bob Cook seconded it. Motion carried 5-0.

Petition of David Rahman (as petitioner) and Marcella Fleck (as owner) for a variance to allow two duplexes on one lot in an R-2 zone

David Rahman was present to request a variance to allow two duplexes on a one-acre lot in an R-2 (Residential) zone located east of the intersection of Meridian Road and Hemlock Drive. Mr. Rahman said the property is located in a neighborhood with other established duplexes and, in his opinion, the proposed lot is suitable for his request. A site plan was displayed showing the dimensions and placement of the duplexes. Discussion followed.

Attorney Kabrick read three letters addressed to the board in opposition of the variance request. The letters were sent from Aaron Rees, 322 S. Meridian Road (Brentwood Subdivision), Cade Knies, 1427 Hemlock Drive (three lots east of subject lot) and Alan Holweger, 12 Riverboat Court, Newburgh, IN, developer of Brentwood Subdivision, which is located adjacent to the proposed lot.

The letter received from Aaron Rees, 322 S. Meridian Road, stated opposition of the variance due to the fact that not only is the entire Brentwood Subdivision zoned R-2, the adjacent property owners are also zoned R-2. Mr. Rees mentioned that R-2 zoning does not allow duplexes by permitted use or by special exception and feels it should remain that way as to not devalue the surrounding properties.

Mr. Knies said his argument for denial of the variance is based on individual home owners' investments; past, present and future which have been or will be made on the R-2 residentially-zoned neighborhood. These investments and housing have been made with the knowledge of the covenants and zoning of the subdivision, as well as the zoning of adjacent properties. Mr. Knies concluded that allowing this variance would negatively affect these investments.

Mr. Holweger's letter stated that, as the developer of Brentwood Subdivision, he is not in agreement with allowing two duplexes in an R-2 (Residential) zone. He said the subdivision has high quality homes, and he has taken pride in making the subdivision a desirable place for families to live. It is not in the best interest of his homeowners to have rental property next to the subdivision. Mr. Holweger feels it would devalue existing properties and would hinder future buyers from moving into the neighborhood.

Those present who spoke as remonstrators were Gary Matheis, Gwendon Walden, Robert Combs, Barry Day, Cathy Light and Judy Gosman, on behalf of Alan Holweger. Their main concerns were also due to the probability of depreciating the value of the existing homes and wanting to keep consistency in the neighborhood zoned as R-2.

Randy Mehringer made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 5-0.

Randy Mehringer made a motion to deny the variance to build two duplexes in an R-2 zone. Secretary Buck seconded it. Motion carried 5-0.

Zoning & Subdivision Control Ordinances update

Director of Community Development and Planning Darla Blazey gave an update regarding the proposed changes to the Zoning & Subdivision Control Ordinances. Ms. Blazey said the staff is proceeding through the rough drafts of the proposed unified development code. The intent is to call back the subcommittee soon to meet and relay the information that has been updated thus far.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting. It was seconded by Paul Lorey Motion carried 5-0, and the meeting was adjourned at 7:30 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister